REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-37 are in this case.

Claims 8-12; 15-18; 26-30 and 33-37 were withdrawn by the Examiner from consideration as drawn to a non-elected species.

Claims 1-6, 13, 19-24 and 31 are generic to a plurality of species including some species not currently elected. Withdrawal of claims has been made without traverse so that applicant's right to pursue allowance of withdrawn claims based upon allowance of a generic claim is not prejudiced.

Claims 1-7, 13, 14, 19-25, 31 and 32 have been rejected under 35 USC §102(b) and/or §102(e).

Independent claims 1 and 19 have been amended.

The claims before the Examiner are directed toward a method and system for providing added utility to a video camera.

§ 102(b) Rejections - Gerber

The Examiner has rejected claims 1-6; 13; 19-24 and 31 under §102(b) as being anticipated by US 5,381,155 (hereinafter Gerber).

The objective of Gerber is to automate the process of issuing speeding tickets. Thus, Gerber teaches a solution to a problem in which the places at which acquisition of data (i.e. frames of video) will be required is easily ascertained in advance. Further, places at which acquisition of data occurs will be used repeatedly. Therefore Gerber does not teach, hint or

fairly suggest that portability of video cameras is necessary or advantageous in the context of his teachings. For this reason, Gerber fails to teach use of a video camera permanently attached to a cellular telephone as a data acquisition device. Specifically, Gerber teaches (emphases added):

> *"One photographic system would include a video camera using a high density pixel CCD (Charge Coupled Device) image converter, a flash unit, a frame "grabber" which is activated when the speeding vehicle reaches the exact position for the car and driver to be photographed, and a video recorder or frame memory which may be solid-state RAM (Random Access Memory) capable of recording an entire frame, for example, of 300,000 pixels. The date, time of day, license plate number and associated information are added to the recorded frame. The entire frame is then transmitted, over a telephone line, to police headquarters where it is recorded and printed out, for later use. For example, the photograph of the speeding car may be used, in some states, to issue a warning or traffic violation ticket and may be used, at trial, if the speeder challenges a ticket issued by a police officer. The inventor has conducted experiments using a Nikon F still camera and 1600 ASA color film and a HOYA 300 mm lens and also a SONY TR5 camcorder (NTSC-video 8) with SONY tape MP120 showing occupants in moving and non-moving vehicles. If the scene is correctly lighted, it is generally possible to recognize at least the gender, race and size of drivers. In those states in which a photograph of licensed drivers is maintained by the department of motor vehicles, the photograph of the speed limit violator may be matched, by human eye comparison, with the file photograph of the registered owner. If they match, a moving violation, a traffic ticket or warning may be issued."*
>
> *Alternatively, particularly in the urban areas of large states, such as the New York City area and the Los Angeles area, the license plate number identifying system 40 may be at a central location to serve a number of camera systems at remote locations. In that type of network the license plate numbers, in a digital stream, is transmitted over a land line such as a dedicated telephone line (twisted wire pair, coaxial or fiber optic cable) to a central license plate number identifying computer, for example, at police headquarters or at a traffic management center. When the license plate of a speeding car is identified, the variable message warning sign (described below) may be operated by the central computer. Such a network presents a cost advantage since its central computer is used for a number of alpha-numeric warning signs. In addition, the variable message signs may be jointly or separately controlled and used to warn drivers of road conditions.*
>
> *The disclosed system can tap into the database via a telephone line or through wireless communications means. The latter may include the use of a communications satellite in inner orbit. The satellite would pick up the electromagnetic waves from the transmitters, which are located at various points on the roadways, and re-direct the waves to the location of the database. The database would then be searched to determine if there are any license plate matches. If any matches are discovered, a transmitter would be used to contact a police car near the area where the wanted car was "picked up".*

Thus, Gerber teaches against what is instantly claimed by teaching "...*a digital stream, is transmitted over a land line such as a dedicated telephone line (twisted wire pair, coaxial or fiber optic cable)".* Further, although Gerber teaches, "*wireless communications means"* those teachings are in the context of communication between a database at a fixed physical location and "... *the transmitters, which are located at various points on the roadways...*"

Thus, Gerber continues to teach against what is claimed by stipulating the use of transmitters which are permanently installed foe continual or periodic screening of traffic at pre-selected locations. While these locations might be changed periodically, there is no hint or fair suggestion in the teachings of Gerber that use of a portable data acquisition device, as instantly claimed, is necessary or advantageous.

By contrast, the present invention teaches acquisition of a portion of a document wherever it is encountered. Preferably, optical character recognition is performed on a frame of video including the at least a portion of a document. Because the place where the document will be encountered is impossible to determine in advance, there is a necessity for a portable data acquisition device.

Further, Gerber contains no reference to a cellular telephone *per-se*.

While continuing to traverse the Examiner's rejections, Applicant has, in order to expedite the prosecution, chosen to amend independent claims 1 and 19 in order to clarify and emphasize the crucial distinctions between the device of the present invention and the teachings of Gerber. In order to make this feature of the invention more clear, independent claims 1 and 19 have been amended to include the limit "wherein the at least one video camera is permanently attached to a cellular telephone."

Support for this amendment may be found in figure 1 which clearly depicts video camera 62 mounted on cellular telephone 68. Camera 62 is clearly intended to capture visually perceptible data 74 as embodied by text 76 and bar-code 75. This configuration is described in the specification on page 17 (emphases added):

> "As an illustrative example of the present invention, Max Marx goes shopping for a hat. He finds a fedora that he likes in a department store. The price tag is 175$. Max aims camera **62** of his cellphone **68** at barcode **75** on the price tag of the hat. Barcode information is captured **22** and stored as at least one frame of video in memory **64** of phone **68**. According to some embodiments, part of processing **28** may occur in phone **68**. According to other embodiments, processing **28** occurs in server **70**. Transmission **24** to server **70** occurs during a phone call initiated by Max. Memory **64** of server contains a database of price information linked to store names and locations. Max's cell phone is equipped with a GPS device which tells the system his approximate geographic location. Several minutes later, Max receives a text message on phone **68** listing prices and phone numbers. The lowest price for the hat he has selected is 69$. He calls the shop and discovers they are only 4 blocks from where he is standing. He tells them his hat size and completes the purchase by credit card on phone **68**. His new hat is delivered to his home later that day."

Amended independent claims 1 and 19 now feature language which makes it absolutely clear that the instantly claimed system and method are neither anticipated by, nor obvious with respect to the teachings of Gerber.

Applicant believes that the amendment of the claims completely overcomes the Examiner's rejections on 102(b) grounds.

All 102 (b) rejections based on Gerber are traversed.

All 102 (b) rejections are traversed.

§ 102(e) Rejections - Ciolli

The Examiner has rejected claims 1-7; 13; 14; 19-24; 31and 32 under §102(e) as being anticipated by US 6,546,119 B2 (hereinafter Ciolli).

The objective of Ciolli, like Gerber, is to automate the process of issuing speeding tickets. Thus, Ciolli teaches a solution to a problem in which the places at which acquisition of data (i.e. frames of video) will be required is easily ascertained in advance. Further, places at which acquisition of data occurs will be used repeatedly. Therefore Ciolli does not teach, hint or fairly suggest that portability of video cameras is necessary or advantageous in the context of his teachings. For this reason, Ciolli fails to teach use of a video camera permanently attached to a cellular telephone as a data acquisition device as instantly claimed. Specifically, Ciolli teaches (emphases added):

> *The intersection camera systems are inter-connected at the detection site to provide the required camera and flash coordination. Each camera is strategically located to provide the optimum field of view for the desired captured image. The enforcement camera that is equipped/interfaced with the vehicle tracking technology is positioned to effectively record both scene images as well as the license plate area shot. A supplement camera can be positioned to image the offending vehicle driver. The camera systems are interconnected using standard local area network typologies. The camera systems 102 also manage sending secure (encrypted) incident data and image information to the data processing system 104 over a computer network line, such as modem and telephone line.*
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> *Where there are remote communications such as telephone, ISDN, fiber optic, and so on, between the camera site and the data processing system, the signed packets can be electronically transferred over the Internet for processing using a Virtual Private Network. In one embodiment, the data processing system server secures the transmission process by using IP SEC, a standard Internet protocol that is widely used to protect electronic transmissions over unprotected public networks.*
>
> *Where there is no remote communication to the camera site, the signed packets may be either downloaded to removable media (e.g., disks), for physical transport to the data processing system, or downloaded to a camera operator's mobile computer for transfer to the system.*
>
> *As illustrated in the figures of the present application and described herein, aspects of the present invention may be implemented on one or more computers executing software instructions. According to one embodiment of the present invention, server and client computer systems transmit and receive data over a computer network or standard telephone line. The steps of accessing, downloading, and manipulating the data, as well as other aspects of the present invention are implemented by central processing units (CPU) in the server and client computers executing sequences of instructions stored in a memory. The memory may be a random access memory (RAM), read-only memory (ROM), a persistent store, such as a mass storage device, or any combination of these devices. Execution of the sequences of instructions causes the CPU to perform steps according to embodiments of the present invention.*

Ciolli, like Gerber, teaches against what is instantly claimed by teaching "*The intersection camera systems are inter-connected at the detection site to provide the required camera and flash coordination. Each camera is strategically located to provide the optimum field of view for the desired captured image. The enforcement camera that is equipped/interfaced with the vehicle tracking technology is positioned to effectively record both scene images as well as the license plate area shot. A supplement camera can be positioned to image the offending vehicle driver. The camera systems are interconnected using standard local area network typologies.*" This teaching clearly precludes wireless connections in general and cellular telephone connections in particular.

Ciolli continues to teach against what is claimed by teaching "...*remote communications such as telephone, ISDN, fiber optic, and so on...*" which are all wired connections, as opposed to wireless connections. Again , cellular telephone connections are excluded by Ciolli's teachings.

Further, it is clear that Ciolli never considered the possibility of a cellular telephone in the context of his teachings because he adds "...*Where there is no remote communication to the camera site, the signed packets may be either downloaded ...for physical transport*" Clearly, although Ciolli was well aware that cellular communication networks existed, he teaches physical transport of data on tangible media in cases where wired communication is not available.

Ciolli's additional reference to telephone communication is also to PSTN, as opposed to cellular, telephones : " ...*systems transmit and receive data over a computer network or standard telephone line.*"

In summary, Ciolli, teaches against what is claimed. Further, Ciolli contains no hint or fair suggestion that a video camera attached to a cellular telephone is necessary, advantageous, or even feasible to employ, in the context of his teachings.

Applicant believes that the amendment of the claims completely overcomes the Examiner's rejections on 102(e) grounds.

All 102 (e) rejections based on Ciolli are traversed.

All 102 (e) rejections are traversed.

All 102 rejections are traversed.

All rejections are traversed.

In view of the above amendments and remarks it is respectfully submitted that independent claims 1 and 19, and hence dependent claims 2-7, 13, 14, 20-25, 31 and 32 are in condition for allowance. Prompt notice of allowance is respectfully solicited.

Respectfully submitted,

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Date: December 12, 2004